

Translation

PATENT COOPERATION TREATY

PCT/FR2003/002495



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference R 02122	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/002495	International filing date (day/month/year) 08 août 2003 (08.08.2003)	Priority date (day/month/year) 04 septembre 2002 (04.09.2002)
International Patent Classification (IPC) or national classification and IPC D01F 6/90, 6/94, D04H 1/42, D21H 13/26		
Applicant KERMEL		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 30 mars 2004 (30.03.2004)	Date of completion of this report 25 November 2004 (25.11.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☒ the description:
pages _____ 1-15 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____ 1-24 _____, filed with the letter of 03 November 2004 (03.11.2004)
- ☒ the drawings:
pages _____ 1/1 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-21, 23, 24	YES
	Claims	22	NO
Inventive step (IS)	Claims	1-21, 23, 24	YES
	Claims	22	NO
Industrial applicability (IA)	Claims	1-24	YES
	Claims		NO

2. Citations and explanations

This report makes reference to the following documents:

D1: G.C. Kapantaidakis *et alia* (see the abstract)

D2: EP 0648812 (see the claims)

D1 and D2 disclose fibres made from a mixture of a thermally stable polymer and a polysulfone. The fibres in D1 and D2 are covered by the definition on page 3, lines 26 ff. of the description.

Claim 22 is thus not novel (PCT Article 33(2)) because its subject matter is already known from D1 and D2.

The subject matter of claims 1-21, 23 and 24 is novel and inventive (PCT Article 33(2) and 33(3)) because D1 and D2 do not disclose or suggest a consolidation process by means of thermal compression, as claimed in the present application, to produce thermally stable fibres having good cohesion, as well as an article having a homogeneous and compact structure. Nor do D1 and D2 disclose or suggest the use of such an article in the field of thermal insulation.

The applicant is advised that the amended claims 13

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(paper) and 17-19 do not comply with PCT Article 34(2)(b) because their subject matter goes beyond the original disclosure in the international application as filed. The amendments to claims 17-19 are the result of an inappropriate generalisation of particular examples.